

THE COMMONWEALTH.

KENTUCKY LEGISLATURE.

IN SENATE.

NOON SESSION—FEBRUARY 13, 1890.

The Senate met at 7 o'clock, according to adjournment. No quorum being present, on motion of Mr. CISELL, a roll of the Senate was ordered. The roll was called and absentees noted. In a short time a quorum arriving, the further proceedings under the call were suspended, and the absent Senators excused.

FEDERAL RESOLUTIONS.

Mr. PRALL, by consent, amended, verbally, his resolutions reported from the committee on Federal Relations.

Mr. PRALL addressed the Senate on the resolutions at considerable length. The 1st resolution offered by Mr. PRALL was adopted unanimously.

The 2d resolution was then adopted unanimously.

Mr. ANDREWS moved to amend the 3d resolution by adding, "and that we endorse and will sustain all of the past decisions and adjudications of the Supreme Court of the United States."

Messrs. Rust and Cissell opposed the amendment, and Messrs. Andrews, Pennebaker, and Walton advocated it.

The vote was taken on the amendment of Mr. ANDREWS, and it stood thus:

YEAS—Messrs. Andrews, Bruner, Gilliss, Lyons, Marshall, McKee, Pennebaker, Rhea, Taylor, Wait, Walker, Walton—12.

NAYS—Messrs. Cissell, Darnaby, Davidson, Glenn, Grover, Irvin, Jenkins, Lyons, Pennebaker, Rust—12.

And the amendment was adopted.

At 2 1/2 minutes past nine o'clock, Mr. CISELL moved an adjournment; negatived by yeas, 11; nays, 12.

Mr. Rust offered an amendment striking out all of the 3d resolution after the word "restriction" in the 2d line, leaving the resolution thus: "That we approve of the legislation of Congress in the repeal of the Missouri restriction;" rejected by the following vote:

YEAS—Messrs. Speaker (Fisk), Messrs. Andrews, Cissell, Darnaby, Davidson, Glenn, Grover, Irvin, Jenkins, Lyons, Pennebaker, Rust—12.

NAYS—Messrs. Bruner, Cossy, Gilliss, Johnson, Marshall, McKee, Pennebaker, Pratt, Rust, Taylor, Wait, Walker, Walton—10.

Mr. Darnaby moved an adjournment at half past nine o'clock, and it was carried by yeas, 14; nays, 10.

Tuesday, Feb. 14, 1890.

The Senate was opened with prayer by the Rev. JOHN N. NORTON, of the Episcopal Church.

The reading of the Journal of yesterday was dispensed with.

Was received, announcing the passage of several Senate bills, and a number of bills which originated in that House.

A. H. B. BILL.

Concerning the Penitentiary was referred to the committee on the Penitentiary, on motion of Mr. ANDREWS.

REPORTS OF COMMITTEES.

Mr. CISELL—a bill to amend the Henderson and Nashville railroad charter—rejected.

Same—a bill to amend the charter of J. H. Walker—passed.

Same—a bill to amend the charter of the town of Owensboro—passed.

Same—a bill to charter the town of Covington—passed.

Same—a bill to increase the jurisdiction of the Marshal of the town of Drusburg—passed.

Same—a bill to legalize the proceedings of the commissioners of Hustonsville and Brandenburg turnpike, with amendments—amendments adopted and bill passed.

Same—a bill regulating the Police Courts in Princeton—passed.

Same—a bill for the benefit of J. A. Turner, Jr.—passed.

Same—a bill to amend the act to establish the levy and county court for Jefferson county—passed.

Same—a bill to abolish the fourth justice's district in Logan county—passed.

Same—a bill to charter Graham Lodge, No. 202, of F. and A. Mason—passed.

Same—a bill to amend the charter of the Nashville and Rowan Coal and Lumber company—passed.

Same—asked to be discharged from sundry petitions—discharged.

Same—a bill to amend the charter of the Central West Kentucky and Mechanical Association—passed.

Same—a bill to charter the Cumberland River, Big South Fork and Nashville Coal and Lumber company, with the opinion it should not pass—rejected.

Same—a bill to authorize the Christian Church, in Barboersville, to sell property—passed.

Same—asked to be discharged from petition of W. L. Wilson and wife. [Asking pay for a slave accused of crime, and who committed suicide in jail]—discharged.

Same—a bill to legalize the proceedings of the trustees of Somerset—passed.

Same—a bill to authorize the trustees of the Southern College to sell and convey certain real estate—amended and passed.

Same—a bill to create a treasurer for Montgomery county—passed.

Same—a bill to authorize trustees of Bedford to sell a street, with opinion it should not pass—rejected.

Same—a bill to charter the town of Sabalville—passed.

Same—a bill to authorize the trustees of Bowlinggreen to sell and convey ground—passed.

Same—a bill to appoint a commissioner to open a road from Greenville to Bowlinggreen—passed.

Same—a bill for the benefit of Warren Thornbury and others—re-committed.

Same—a bill to charter the real estate and building association of Louisville.

Mr. PENNEBAKER opposed the bill briefly, and it was placed in the orders of the day.

Same—a bill to amend the charter of Albany—rejected.

Same—a bill for the benefit of the Christiansburg district, in Shelby county—rejected.

Same—a bill for the benefit of Horatio G. Creekmore—passed.

Same—asked to be discharged from a bill to amend the charter of the Louisville Gas company—discharged.

Same—a bill to amend the charter of the American printing house for the blind—passed.

Same—a bill for the benefit of P. P. Ballard—passed.

Same—a bill to allow E. Y. Cowgill to establish a coffee-house in Morganfield, in Union county—passed.

Same—a bill to authorize the sale of slaves whose sentences have been commuted, and who have been pardoned by the Governor—ordered to be printed and made the special order for Friday.

A bill to erect a monument over the graves of Daniel Boone and wife, and the substitute offered by Mr. TAYLOR, from the committee on Internal Improvement—re-committed.

REPORTS RESUMED.

The Senate resumed the consideration of the Louisville bill and Mr. PENNEBAKER's amendment.

Mr. PENNEBAKER continued his remarks in favor of his amendment.

Mr. DEHAVEN replied to Mr. PENNEBAKER, and advocated the bill and opposed the amendment.

Mr. PENNEBAKER's amendment was rejected by yeas, 13; nays, 17.

The vote was taken on ordering the bill to a third reading, and it was decided in the affirmative by yeas, 17; nays, 13.

The bill was then passed by yeas, 17; nays, 13.

Mr. CISELL—Judiciary—asked to be discharged from a bill to amend the charter of Bowlinggreen—discharged.

Same—a bill to amend the charter of the city of Henderson, with amendments—amendments concurred in, and the bill passed.

Mr. MARSHALL—Banks—a bill to amend the charter of the People's Bank—ordered to be printed, and made special order for to-morrow at 10 o'clock.

Mr. DARNABY—Circuit Courts—a bill to charter Merrick Lodge, No. —, I. O. O. F.—passed.

ORDERS OF THE DAY.

A bill to amend chapter 25, section 1, Revised Statutes, title "County Levy;" rejected—yeas, 8; nays, 20.

A resolution in relation to duties of door-keeper, &c., laid on the table.

A bill to regulate agencies of foreign express companies.

Mr. PENNEBAKER offered an amendment, making the express companies liable for articles taken out of the custody of owners, who are passengers on railroads, and not allowing them to take any package from their own without consent—rejected.

The bill was amended was then passed.

The bill rejecting the Geological Survey bill was reconsidered.

The bill was then again put on its passage, and it was passed by the following vote:

YEAS—Messrs. Speaker (Fisk), Messrs. Andrews, Barick, Bruner, Cossy, Davidson, DeHaven, Denny, Gilliss, Haycraft, Johnson, Lyons, Marshall, McKee, Pennebaker, Pratt, Rust, Taylor, Wait, Walker, and Walton—20.

NAYS—Messrs. Andrews, Anthony, Chambers, Cissell, Darnaby, Gibson, Glenn, Grover, Grundy, Irvin, Jenkins, Rhea, and Taylor—13.

A bill concerning free negroes, mulattoes, and emancipation, was taken up, and before action on it.

The Senate took a recess until three o'clock.

EVENING SESSION.

REPORTS OF A COMMITTEE.

Mr. HAYCRAFT—Circuit Courts—a bill in relation to the Meade Circuit Court—passed.

SUSPENSION OF RULES.

Mr. ANDREWS, under a suspension of the rules, offered a joint resolution allowing each of the committees of Enrollments of the II. R. and Senate to employ a clerk for the remainder of the session; adopted.

REPORT RESUMED.

Mr. ANDREWS—Judiciary—a bill from the II. R. to amend the charter of the Richmond and Lexington turnpike road company, with an amendment—amendment adopted.

[The bill allows the company to build a bridge across the Kentucky river, and to issue bonds to raise funds to pay for the same.]

This bill was discussed at length by Messrs. Wilson, Cissell, Rust, and Taylor in opposition to it, and Messrs. Andrews, Denny, and Fisk in favor of it.

Mr. DEHAVEN moved to strike out the 2d section of the bill allowing the leasing of the bonds; rejected—yeas, 12; nays, 20.

The bill was then passed by yeas, 14; nays, 15.

Mr. CISELL—Judiciary—a bill to protect wild game—defining the time when it shall be killed, applying to Jefferson county.

Mr. ALEXANDER offered an amendment to protect small birds; rejected.

The bill was then passed.

Mr. BRUNER—Judiciary—a bill to change the road law of Breckinridge county—passed.

Mr. ANDREWS—Judiciary—a bill to charter the town of Hazlegreen, in Morgan county—passed.

Same—a bill to reduce the price of forfeited lands in Jackson county—placed in the orders of the day.

Same—a bill to amend the law in relation to taxing the lands of non-residents—passed.

Mr. CISELL—a bill to provide for the sale of clothes in action, &c., in certain cases, with amendments—ordered to be printed.

Same—a bill to charter the Goshen and Louisville turnpike road company—passed.

Same—a bill for the benefit of Philip Breckheimer, of Louisville. [Refunds billiard money]—passed—yeas, 21; nays, 13.

Same—a bill for the benefit of J. B. Harper, of Louisville. [Refunds billiard money]—passed by yeas, 21; nays, 13.

Same—a bill for the benefit of Julius King, of Newport. [Refunds billiard money]—passed.

Same—a bill for the benefit of John Cawein & Co. [Refunds billiard money]—passed—yeas, 20; nays, 11.

Same—a bill for the benefit of John C. Hunt, of Louisville. [Same sort of bill]—passed—yeas, 21; nays, 13.

Same—a bill for the benefit of Hezekiah Ellis, of Franklin county; passed.

Same—a bill for the benefit of F. McNeill, of Louisville—passed—yeas, 22; nays, 12.

Same—a bill for the benefit of Jno. P. Noonan, of Covington—passed—yeas, 21; nays, 11.

Same—a bill for the benefit of Loop & Evans, of Louisville—passed—yeas, 21; nays, 11.

Same—a bill for the benefit of the executor of Robert Dildick, dec'd., of Lexington—passed—yeas, 21; nays, 11.

Same—a bill for the benefit of Charles C. Rufer, of Louisville—passed—yeas, 21; nays, 11.

Same—a bill to charter the Alexandria and Flagg Spring turnpike—passed.

Same—a bill to amend the acts concerning the town of Bowlinggreen—passed.

Same—a bill to amend the road laws of Campbell county—passed.

Mr. ANDREWS—a bill to amend the act imposing a tax on billiard tables. [\$150 for the first, and \$100 for each other table, no matter how many one person has, to pay on all.]

Mr. PENNEBAKER moved to make the tax on each \$100 including the first—rejected.

The bill was then passed by yeas, 25; nays, 4.

Mr. CISELL—Judiciary—a bill in relation to citizens of foreign States who have rights secured by treaties—ordered to be printed.

Mr. DARNABY—Circuit Courts—a bill to charter the North Middletown and Winchester turnpike—passed.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. CHAMBERS on account of important business, and not being well.

THE H. R. BILLS.

On the Clerk's tables were distributed 34 appropriate committees.

RESOLUTION.

The Senate resolved to have no other night session until Thursday night.

H. R. BILLS—PASSED.

A bill in relation to the town of Falmouth.

A bill to improve roads in Logan county.

A bill for the benefit of David Devore, of Greenup county.

A bill to charter the county Agricultural Association.

A bill to charter the Owen county Union Agricultural Association.

A bill to charter the Covington Agricultural and Mechanical Association.

REPORTS RESUMED.

Mr. ALEXANDER—Library—a bill to furnish books to Anderson county; passed.

Same—a bill to change the time of Henderson County Courts; passed.

Mr. TAYLOR—Internal Improvement—a bill to charter the River road company; passed.

Same—a bill for the benefit of the Board of Internal Improvement of Franklin county—passed.

Mr. WALTON—Internal Improvement—a bill to charter the Roaring Spring and La Fayette turnpike company—amended and passed.

Mr. TAYLOR—a bill in relation to the Wilderness turnpike road—amended and passed.

Same—a bill to charter the Dix's River and Lancaster turnpike company—placed in the orders of the day and set for 12 o'clock Thursday.

Mr. ALEXANDER—County Courts—a bill to change the Adair Quarterly Courts—passed.

LEAVES.

Leave was given to several gentlemen to bring in bills. We could not get the titles—Will report them when the bills are introduced. And then the Senate adjourned until 9 o'clock to-morrow.

IN HOUSE OF REPRESENTATIVES.

Tuesday, Feb. 14, 1890.

Prayer by the Rev. J. M. LANSFATER, of the Catholic Church.

The reading of the Journal of yesterday was dispensed with.

REPORT FROM COMMITTEE.

Mr. W. A. JOHNSON—Ways and Means—a Senate bill for the benefit of H. T. H. S. Tree, and W. E. White, late sheriff of Whitley county—passed.

PETITIONS.

Were presented by Messrs. ELLIS, FAULCONER, and appropriately referred.

REPORTS FROM SELECT COMMITTEES.

Mr. FAULCONER—a bill for the benefit of the Trustees of the Methodist Episcopal Church, South, in the town of Hawesville; passed.

Mr. CLEVELAND—a bill to amend chap. 25, sec. 1, of the Revised Statutes; referred to the committee on Revised Statutes.

JOINT COUNTY.

The House then took up the Senate bill to establish the county of Boyd. Composed of parts of the counties of Carter, Lawrence, and Greenup.

Mr. IRELAND offered an amendment that the county of Boyd shall annually levy the sum of \$250, which shall be collected and paid to such person or persons as the County Court of Greenup may from time to time direct, which levy shall continue until there is paid by said county of Boyd a sum equal in proportion to what the debt of the county of Greenup was at the last count of claims, (the portion that Boyd county is to pay shall bear the same relation to the debt,) that the number of titles taken from Greenup county, and included in the county of Boyd bears to the remaining number of titles in the county of Greenup in the year 1880—rejected.

Mr. J. W. COOK moved to strike out the 2d section, and insert a section, that the county court shall open a poll, and take the sense of the qualified voters of said county whether the county seat shall be located at Catlettsburg or Ashland—rejected—yeas, 23; nays, 60.

Mr. THOMPSON moved to amend the bill by striking out of the names of the commissioners to locate the county seat, and insert the names of Thornton F. Marshall, of Bracken; William Norvell, of Nicholas; Joseph T. Tucker, of Clarke; and Wm. S. Bots of Fleming.

Mr. IRELAND called for a division of the question.

The question was first taken on striking out, and it was decided in the negative—yeas, 24; nays, 61.

Mr. IRELAND moved to strike out the names of Messrs. Crawford and Short, two of the commissioners appointed to locate the county seat.

Mr. GONZALEZ moved to postpone the further consideration of the bill until to-morrow evening at 3 o'clock—rejected.

Mr. GUNNELL moved the previous question—adopted.

The question was then taken on Mr. IRELAND's amendment, and it was decided in the negative—yeas, 29; nays, 57.

Mr. IRELAND offered an amendment, in substance the same as the one heretofore offered by him, in relation to the \$250 tax upon Boyd county.

Mr. JACOBS moved the previous question—rejected—yeas, 20; nays, 63.

Mr. HONZE moved the previous question—adopted.

A motion to postpone the further consideration of the bill until 3 o'clock to-morrow was rejected.

Mr. IRELAND's amendment was then rejected—yeas, 33; nays, 54.

By unanimous consent Messrs. Ratcliffe and Ireland were permitted to address the House in opposition to the passage of the bill, and Messrs. Roberts and Geiger in favor of its passage.

The question was then taken on the passage of the bill, and it was decided in the affirmative—yeas, 60; nays, 27.

Mr. GONZALEZ then offered a bill supplemental to the bill establishing the county of Boyd—passed.

RECONSIDERATION.

Mr. HODGE moved to reconsider the vote postponing the consideration of the message vetoing the bill increasing the capital stock of the Commercial Bank, and establishing three additional branches, until Thursday next.

The motion gave rise to considerable discussion, in which Messrs. Hodge, Carlisle, Goodloe, Hitt, Husbands, D. P. White, Gudegill, Cleary, and Gaither took part.

Mr. HITT moved to lay the motion to reconsider on the table—rejected—yeas, 34; nays, 56.

And then the House took a recess until half past 2 o'clock.

EVENING SESSION.

HOUSE BILL AMENDED IN THE SENATE.

An act to amend and reduce into one the several acts in relation to the town of Campbellsburg, in Taylor county—amendments concurred in.

An act applying the General Mechanics lien law to Lewis county—amendments concurred in.

ORDERS OF THE DAY.

The Senate bills in orders of the day were taken up and referred to the appropriate committees.

SENATE BILLS.

An act to authorize the Barren county court to grant charters to turnpike road companies in said county—passed.

An act to incorporate the Covington Coal Oil Company—passed.

An act to incorporate the First German Protestant Supporting Association of Covington—passed.

An act to change the place of voting from Hamilton to Big Stone Lake in Boone county—passed.

An act for the benefit of Wm. Nickel, of Rowan county—passed.

An act to amend the charter of the town of Dover, in Mason county—passed.

COMMERCIAL BANK.

The House again resumed the consideration of the motion of Mr. HONZE to reconsider the vote postponing the consideration of the message of the Governor vetoing the bill increasing the capital stock of the Commercial Bank, and making three additional branches, until next Thursday—adopted—yeas, 32; nays, 35.

The question was again taken upon making the message the special order for Thursday next, and it was decided in the negative—yeas, 32; nays, 53.

Mr. GAITHER moved a call of the House—rejected.

The question was then taken on the passage of the bill, the objections of the Governor to the

contrary notwithstanding, and it was decided in the affirmative—yeas, 55; nays, 37.

Mr. CLEARY moved to reconsider the vote passing said bill.

Mr. GONZALEZ moved to lay that motion on the table—adopted—yeas, 54; nays, 37.

JOINT COUNTY.

Mr. J. W. COOK moved to reconsider the vote passing a bill establishing the county of Boyd.

Mr. GONZALEZ moved to lay the motion to reconsider on the table—adopted—yeas, 49; nays, 42.

THE COMMONWEALTH.

FRANKFORT.

THOMAS M. GREEN, Editor.

WEDNESDAY, FEBRUARY 15, 1890.

Attention, Opposition!

There will be held a Convention of the Opposition to the reckless extravagance of the present Administration, to the secession slave-trading Democracy, and to Northern Abolitionism, at the Court House in this city, on next Saturday. We trust that there will be a full attendance. Let the people assemble and deliberate upon what is best to be done in the present emergency.

The communication from "Justice" below will repay perusal. The attention of the *Courier* especially is called to it:

Response to the Courier.

The *Courier*, in an editorial, as well as through a Frankfort correspondent, has attempted to refute the arguments advanced in my short communication to your paper against that portion of the House bill which provides for the appointment of Police Commissioners for Louisville by the Chancellor of the Chancery Court.

It will be remembered that I contended that that portion of the House bill was in violation of this provision of the Constitution:

"Officers for towns and cities shall be elected, on such terms, and in such manner, and with such qualifications, as may be prescribed by law." (Sec. 6, art. 6.)

I contended that the Police Commissioner was an officer of the city of Louisville, and that, therefore, according to the above provision, he must be elected, not appointed.

Neither the *Courier* or its correspondent pretends to deny the first branch of this proposition, viz: that this Police Commissioner is an officer of the city of Louisville. Unable to controvert this point, what is the argument of the *Courier*? It says that the 6th section, *supra*, "clearly applies to the officers previously specified in the article from which the quotation is made, and to no others." Who are the officers "previously specified in the article"? They are Commonwealth Attorneys, Circuit and County Clerks, County Attorneys, Surveyors, Coroner, Jailers, Sheriffs and Constables. These are the only officers "previously specified." Now how can any one who will read the Constitution conclude that these officers are referred to in the 6th section, *supra*, which speaks alone of "officers for towns and cities." These officers, "previously specified," are in nowise connected with "towns and cities." They are county and district executive and ministerial officers, and have no connection with "towns and cities" in their corporate capacity. The time and the manner of their election, and their qualifications, are all prescribed in the sections preceding section 6, and hence there was no necessity of again referring to them in section 6.

The *Courier* goes further, and says that the office of Police Commissioner of Louisville is embraced in the terms "other ministerial and executive officers" as used in the 10th sec. of art. 6, which is as follows: "The General Assembly may provide for the election or appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as shall, from time to time, be necessary and proper."

The italics and capitals in this section are just as they appear in the *Courier*.

From the prominence which the *Courier* has given to the word "appointment" in the 10th sec., we must conclude that it recognizes a clear and palpable distinction between the election and appointment of an officer. The *Courier* evidently concedes that but for the word "appointment," in the 10th sec., a Police Commissioner should be elected. And it is only the idea that oficer is among those "other ministerial and executive officers" for whose appointment may provide, which induces the *Courier* to take its present position.

A close examination, however, of the 10th sec. *supra*, will convince me, we are sure, every candid person, that a Police Commissioner cannot possibly be embraced by it. The *Courier* so italicizes the words of the 10th sec., as partially to conceal the real import. That section does not refer in general terms to "such other ministerial and executive officers" as the *Courier* quotes it in its editorial. It applies to "such other county or district ministerial and executive officers" as shall from time to time be necessary and proper. The *Courier* correctly quotes the 10th sec., but when it comes to comment upon it, the very words are left out which indicate the character of the ministerial and executive officers which may be filled by appointment, viz: ONLY "county or district" officers.

Will any one be so foolish as to contend that a Police Commissioner "for a city is a county or district ministerial and executive officer"? If not, how can he be included in the class of officers, who, under the 10th section, may be appointed in such manner as the law may prescribe?

Any one who will open his eyes and read and think for himself will at once perceive the utter and miserable failure on the part of the *Courier* to defend the Constitutionality of the appointment of the Police Commissioners.

The failure of the *Courier's* correspondent is a most signal. In his letter from this place, he endeavors to create the impression that the opponents of the Police bill based its alleged unconstitutionality upon the failure to elect the watchmen. Why, the bill provides for the election of those officers by the people, and that provision is in exact accordance with the views heretofore taken by me in regard to the 6th section, *supra*. That correspondent keeps out of view the real object urged to the Police bill, which was that, while it provided for the election of the watchmen, it required the appointment by one man of the Police Commissioners. If that correspondent thinks that the election of watchmen is in accordance with, and is required by the Constitution, upon what ground does he maintain the constitutionality of the appointment by one man of the Police Commissioners? The Police Commissioners are officers of a higher grade than watchmen. If the latter must be elected, must not the former? Are they not all officers of the city of Louisville?

Has it come to this, that the great Democratic

party, "the friend of the poor people," "the founders of the electric principle," are afraid to trust the people, and repudiate the right of the people to elect their own officers? When the Constitution says that "officers for towns and cities shall be elected," will the Democratic party say they shall be appointed?

JUSTICE.

Public Officers—Increase of Salaries.

Any one acquainted with the history of legislation in Kentucky will remember that the mass of the Democratic members of both branches of the General Assembly opposed all propositions to increase the salaries of the public officers. They were furnished with facts which demonstrated the propriety of an increase of some of the salaries; but the existence of these facts had no effect upon the untried. Whenever any increase was made in the salary of a public officer the Democratic party in every part of the State denounced the extravagance of their political opponents. Upon the stump they leaders everywhere took ground in favor of "low salaries."

But now the tables are turned. The Democracy are now in power. All of the present officers are complaining, we understand, of the utter inadequacy of their present salaries to maintain them at the seat of Government. A movement is on foot to increase their salaries. Now we submit that the present officers ran for their respective offices with a full knowledge of the amount they would receive. They have asked their positions at the hands of the people with, at least, an ample willingness to take them with the salaries as now fixed by law.

If Thomas S. Page, Mason Brown, D. R. Maggard, Richard Sharp, &c., could live here with the salaries as now prescribed by law, why cannot their successors do so? If Democratic legislators have heretofore resisted all efforts to increase salaries, will they now change their tactics because they have it in their power to award favors? If they will so change, ought not the country to know that they alone voted to increase the salaries. Let them take the responsibility. They have the reins of government. Let it not be said that the Opposition are willing to do for Democratic office-holders what the mass of the Democracy have always been unwilling to do for Opposition office-holders.

A GREAT NATIONAL WORK.—One of the most valuable works of the age is "The National Portrait Gallery of Distinguished Americans, with Biographical Sketches," now being published by Messrs. Rice & Hart, of Philadelphia. It contains one hundred and forty-nine engraved portraits of distinguished Americans, who have occupied prominent positions in the history of the United States. The portraits are on steel, and each accompanied by a concise biographical sketch of the individual. The work is in four volumes elegantly bound in Turkey morocco, antique gilt. The biographical sketches form a complete history of the country, and the work should be in every family.

Mr. A. N. Hart, one of the publishers of the work, is now in our city soliciting subscribers for the work, and we hope that our citizens will give him numerous orders. The subjoined notice from the Louisville Journal will introduce Mr. Hart to our readers:

Mr. A. N. Hart, of the firm of Rice & Hart, of Philadelphia, is now in our city, and contemplates a visit to the interior of our State. Mr. Hart has for sale three superb works: the National Portrait Gallery of Distinguished Americans, the History of the Indian Tribes of North America, and the History of the Indian Tribes of North America. When Mr. Hart was here last spring we gave extended notices of these splendid literary and scientific productions, and we are pleased to learn that he sold a large number of them which have been delivered to the entire satisfaction of the purchasers. We have known Mr. Hart for some time, and we can most confidently recommend him to the attention of our friends throughout Kentucky, wherever he may visit. He carries specimens of the works with him, and who ever subscribes to them may be certain of receiving them in good order and condition.

COURT OF APPEALS

MONDAY, Feb. 13, 1890.

CAUSES DECIDED.

Gabbert v. Watts, Mercer; affirmed.
Hood et ux v. Wurts, Jones & Co., Carter; affirmed.
Tyrice et al. v. Stockton et al., Estill; affirmed.
Rafferty v. Hart, Nichols; affirmed.
Gray v. Farmers Bank, Christian; affirmed.
Lions v. Patton, Greenup; reversed.

ORDERS.

Beverly v. Nunn, admr., Henderson, appeal dismissed for failure to file record.
Jackson v. Allison, Madison; petition for rehearing overruled.
Bradford v. Jones, Pendleton; petition for rehearing filed.
Peter et al. (of color), v. Lillard et al., Henry; set for trial on the 21st inst.

Berry v. Hamilton, Bath; argument continued by Judge Marshall for appellees.

TUESDAY, Feb. 14, 1890.

CAUSES DECIDED.

Wright's admr. v. Harris, Mercer; affirmed.
Morrow's ex'r v. Winstead, Hopkins; reversed.
Landrum v. Kingman, Fulton et. et.; affirmed.
Clarkson's ex'r v. Clarkson et al., Keaton; appeal dismissed, being no final order.

ORDERS.

Jackson v. Roberts, Trimble; rule absolute and appeal dismissed.
Kennedy & Bro. v. Cunningham, Bonboron; petition for rehearing overruled.
Bradford v. Jones, Pendleton; opinion slightly modified, and petition for rehearing overruled.
Henderson v. Hayne, Grant; petition for rehearing overruled.

Peter et al. (of color), v. Lillard et al., Henry; order of rehearing set aside and continued.
Berry v. Hamilton, Bath; argument continued by Judge Marshall for appellees.

GRAND FANCY DRESS BALL.—By a notice which will be found in another part of our paper of this morning, it will be seen that the gentlemen composing the Assembly Ball Club will give one more of their Grand Fancy Dress Balls on the evening of the 21st inst. As this will positively be the last one, and as the beauty and fashion of Kentucky will be in attendance, we know that we can safely say that this will be the ball of the season.

We call the attention of our readers to the advertisement of the Furniture Warehouse of Mr. A. STRAUS, at Cincinnati, which may be found in our paper. We have been informed by several of our friends who have purchased furniture in Cincinnati that they examined the furniture of a large number of the wholesale furniture houses in that city, and they found the furniture of Mr. Straus better and cheaper than at any other house. We recommend him to all who may buy furniture in Cincinnati.

Decision of the Court of Appeals

Reported expressly for the Commonwealth by Louis M. Brown, Attorney-at-Law, Frankfort, Ky.

RUTHERFORD vs. COMMONWEALTH.
Appeal from Todd County.

Rutherford was indicted for the murder of Starks, found guilty, and appeals from that judgment.

The court below gave to the jury the following instruction, which was objected to by the counsel of accused, and excepted to as erroneous, viz:

"That it is the province of the jury to decide upon the credibility of each witness introduced in the cause, and if a witness swear falsely in relation to one particular fact in the case, they have a right to disregard every other fact proven by said witness."

The objection urged against this instruction is that it makes the credibility of the witness depend upon the truth of his testimony concerning a particular fact in the case, without reference to the materiality of the point or the knowledge of the witness as to the untruth of his statement.

Chief Justice Searles delivered the opinion. The word false must be taken in its ordinary acceptance as importing knowledge of the untruth of the statement. With this view, there is generally connected with it some word denoting knowledge as "knowingly," "willfully," &c. But as it is not to be presumed that the jury would have regarded the witnesses' credibility impaired unless they believed he knowingly swore falsely, it cannot be said that the instruction was to the prejudice of the appellant.

Under the instruction, the false swearing, in order to affect the credibility of the witness, must have related to some material point. Only material points could be properly proved in the case, and on this ground the objection to the instruction must fail.

The action of the court, as regards instructions, was substantially correct. But an objection is urged to the action of the court in admitting and rejecting important testimony.

The murder with which the accused is charged is supposed to have been committed at night. It is attempted to prove that Starks and the accused were seen riding together from Elkton after night. The body of the murdered man was found next morning. It appears that during the day preceding the murder Starks had exhibited in the presence of the accused some money in his possession. It is proved by Ware, a deputy Sheriff, that he had paid a marked bank bill to Starks on that day, and other evidence goes to show that the accused paid that bill on the day after the murder in satisfaction of a debt.

After the accused had been arrested and was in the custody of Ware, a deputy sheriff, he remarked that "he had no fear, and asked him what he thought." Ware replied that, "if one or two important points could be established, he would get clear." On the prisoner's inquiring what they were, Ware told him to show that he had no moneyed transactions with Starks, and if he could show this he would get clear. The prisoner then stated that he had had no moneyed transaction with Starks. This statement was used as evidence on the trial, although the counsel of the accused objected.

It is plain that to remove the presumption of guilt, raised by the possession of the identical bank bill, it should be shown by the accused that it was received by him before they left Elkton. The evident design, in inducing the statement, was to fasten upon the accused the murder as well as the robbery of Starks.

The statement of the prisoner, though it was in legal effect, when connected with the facts developed, a confession of his guilt was not intended as such. He made it at the suggestion of the officer having him in custody, with the hope of exculpating himself.

Confession made by the application of the influences of hope or fear are excluded as evidence, because they may very probably be untrue.

In this case the statement was evidently induced by the hope of an acquittal. Various instances are given in support of the above ground in *Greenleaf on Evidence*, sec. 920. But in some cases it has been held that although the confession to be valid should be voluntary, it need not be spontaneous. Thus if the confession is induced by a pledge of secrecy or the promise of some collateral benefit, no hope or fear being held out in respect to the criminal charge, it will be admissible (*Commonwealth vs. Knapp*, 9 Pick. 496; *Rees vs. Green*, 6 C. and P. 665).

It has been decided that where a confession has been obtained by deception, if there is no reason to suspect an inducement to untruth, it will be admitted as evidence. Thus where a prisoner was informed that his accomplices were in custody, when such was not the fact, his confession was received as evidence. (*Rees vs. Burley*, 2 Starke on Evidence, side page 22, Note M.) In this case, however, there was no motive of hope or fear to induce the making of an untrue statement.

But in this case there is a palpable inducement to untruth, and we are of opinion that the court erred in permitting the statement to be used in evidence.

The several interrogatories addressed to Ward, the deputy sheriff, who deposed to the statement, should have been rejected. They are—

1. Did you or not propose to S. O. Rutherford that if he would pay you \$50 you would leave the State and not appear against his son as a witness?
2. Did you or not receive from said S. O. Rutherford a bribe, at your own request and instance, not to appear against his son?
3. Did you not go to said S. O. Rutherford's house, and there, in conversation with him, propose to him that if he would pay you \$50 you would leave the State, and not appear as a witness against his son?
4. Did you or not send a letter from S. O. Rutherford, post marked Elkton, Ky., with a large cross mark in said letter, and nothing else written in it, which was agreed by you with Rutherford, in the presence of J. S. Sears, should be the sign that you were ready to leave the State and wanted the money; and did he, Rutherford, or not, send you the money in a letter, and did you or not receive it?
5. Did you or not say to S. O. Rutherford, in the presence of the defendant when you had him in custody in Elkton, and before you were introduced as a witness at the examining trial, that you would stand in the defendant's shoes for fifty cents?

These interrogatories were objected to by the attorney for the Commonwealth, and the objection sustained. To this decision the prisoner excepted.

An answer to any of the questions except the first and fifth might have subjected the witness to a perjury prosecution, he was not bound to answer them. And, as he was not bound to answer, and it was not suggested that he was willing to answer, we cannot decide that the court excluded important evidence, or prejudiced the appellant.

But the court below might have compelled an answer to the first and fifth questions, and should have done so. An answer in the affirmative would have weakened the witnesses' credibility, which it is the object of a cross examination to test.

It is not necessary to decide whether the refusal of the court to let them be answered authorizes a reversal when the record contains no statement that the proponent believed they would have been answered in the affirmative, or was prepared with evidence to rebut a negative answer. The judgment must be reversed on another ground mentioned above.

The judgment is reversed, and the cause remanded for a new trial and further proceedings not inconsistent with this opinion.

SPECIAL NOTICES.

THE FIRM OF PAGE, GAINES & PAGE, was, on the 23d of January, 1890, dissolved by mutual consent—T. S. & J. R. Page retaining the Dry Goods and Queensware Establishments, with the notes and accounts of said firm—their business will be carried on at the same stands, where we will be pleased to serve our old patrons, and as many new ones as can make it to their interest to patronize us.

F. S. & J. R. PAGE,
W. A. GAINES.
By Yeoman copy.

February 4, 1890.

DISOLUTION.

The firm of PAGE, GAINES & PAGE, was, on the 23d of January, 1890, dissolved by mutual consent—T. S. & J. R. Page retaining the Dry Goods and Queensware Establishments, with the notes and accounts of said firm—their business will be carried on at the same stands, where we will be pleased to serve our old patrons, and as many new ones as can make it to their interest to patronize us.

F. S. & J. R. PAGE,
W. A. GAINES.
By Yeoman copy.

February 4, 1890.

Bridgeport Female Institute.

This new and prosperous institution, now in successful operation, will open its next session on the First Monday of February, 1890. The Teachers, flattered by signal success in teaching heretofore, are determined not to be excelled by any rival institution of a kindred character in this vicinity. Give us the pupils and we will clearly demonstrate that in each instance we give value received.

J. HERVEY GARDNER, A. M.
(From Va.) Principal and Proprietor.

Miss LUCY H. BALDWIN, from Ohio, and for the last three years Teacher in Mrs. Tevis' School, Shelbyville, Preceptress. (Bridgeport, Ky., Jan. 31, 1890.)

MEXICAN MUSTANG LINIMENT.

From rich and pure, bond and free, all colors, grades and conditions of life, we have the finest medicine of praise awarded this wonderful article. Sores, swellings, pain, rheumatism, lacerations, valuable animals made useful, and untold ill-effects by this great medicine, which is surprising to the judgment of men. What family does not require a standard liniment. Who ever heard of the same effects produced by any other article? For Cuts, Bruises, Sprains, Rheumatism, Swellings, Strained Muscles, &c., it has no equal. Beware of imitations. The genuine Mustang Liniment is sold by all respectable Druggists and Livery Men in every town, parish and hamlet throughout North and South America, Europe, and the Islands of the Ocean. Buy at once.

BARNES & PARK,
Proprietors, New York.

Jan. 16, 1890.

A CARD TO THE SUFFERING.

The Rev. WILLIAM COSGROVE, while laboring as a missionary in Japan, was cured of Consumption, when all other means had failed, by a recipe obtained from an old physician residing in the great city of Jeddo. This recipe has cured great numbers who were suffering from Consumption, Bronchitis, Sore Throat, Coughs, and Colds, and the debility and nervous depression caused by these disorders.

Beware of benefiting others. I will send this recipe, which I have brought home with me, to all who need it, free of charge.

Address, W. M. COSGROVE,
330 Baltic Street,
Brooklyn, N. Y.

Jan. 16, 1890—3m.

I. O. O. F.

Phoenix Lodge, No. 25, I. O. O. F., meets at their Hall, on St. Clair Street, over Page, Gaines & Page's Grocery Store, in the Third Story, every Tuesday Evening, at 7 o'clock. Transient members in good standing are fraternally invited to attend. Entrance to the Hall, on door below Page, Gaines & Page's Grocery Store. By order of the Lodge.

Dec. 2, 1889—4c.

MASONIC NOTICE.

Hiram Lodge, No. 4, meets on the Second and Fourth Monday Evenings in each month, at 7 o'clock, P. M., in their Lodge room in the Third Story over Page, Gaines & Page's Grocery Store, adjoining the Commonwealth Office, on Saint Clair Street.

Members of the Legislature who are Masons, and other visiting Brethren, are cordially invited to attend the meetings. By order of the Lodge.

Dec. 2, 1889—4c.

LUMBER YARD.

We have again established a Lumber Yard in Frankfort, on the lot at the intersection of Washington and Main Streets, where will be kept, at all times, a full assortment of Poplar, Oak, Ash and Walnut Lumber, which will be sold upon reasonable terms for Cash.

Dec. 2, 1889.

J. S. & L. E. HARVEY.

MILLINERY AND FANCY GOODS!!

MRS. F. T. LYONS & CO.,
Saint Clair Street, Frankfort, Ky.

Have just received and opened a full and large assortment of Fashionable Fall and Winter Millinery Goods. The new stock embraces Cloaks, Polots, Bonnets, Ribbons, Head-dresses, Caps, &c., &c., all of the latest styles and fashions.

Don't send to Louisville or Lexington when you can get what you want equally as elegant and far cheaper at home. Call and see.

Mrs. F. T. LYONS & CO.
Also Agents for WHEELER & WILSON'S Unrivalled Sewing Machines. (Oct. 14, 1889.)

REMOVAL.

R. RUNYAN
has removed his store two doors above his old stand. He still keeps his goods, and is informed, at the lowest possible rates for cash down. Give him a call. We repeat what we said before, Runyan is all right.

Frankfort, Nov. 14, 1889.

INFORMATION WANTED.

Of widows or heirs of the following named Revolutionary Pensioners who once lived in Kentucky:—Wm. Bond, Joel Johnson, Witherell Lattimer, John G. Napier, Andrew Parker, Thomas Poot, Thomas Simpson, Christopher Strong, John Taylor, Joseph Walker, Wm. Williams, Wm. Warren, and Harris Ryan. Any persons who know anything of the families of any of them will please leave word at, or address a letter to this or the Yeoman Office, or by letter to C. H. BARRELL, Louisville, Ky.

Who can give important information to them.

GREENWOOD FEMALE SEMINARY,

FRANKFORT, KENTUCKY.

Mrs. MARY TRAYNE RUNYAN, Principal.

The Twenty-third session of this School will commence on Monday, the 23d of January, 1890.

Terms as usual.

For further information address the Principal.

January 15, 1890—2m.

Artesian Well Water.

A SUPPLY always on hand at

Feb. 5, 1890. SAMUEL'S BARBER SHOP.

WILLIAM H. GRAY. JAMES M. TODD.

GRAY & TODD,

DEALERS IN

FINE GROCERIES,

PURE OLD WHISKY.

BRANDIES, WINE, &c., &c.

CIGARS, Tobacco, Preserves.

&c., &c.

FRUITS, PICKLES, TOYS, CONFECTIONERIES,

&c., &c.

MAIN STREET, FRANKFORT, KY.

Jan. 15, 1890.

"Wines, Cordials, &c."

10 BASKETS Champagne Wine;

10 Boxes Claret Wine;

10 dozen Bottles Madeira Wine;

10 dozen Bottles Pale and Brown Sherry Wine;

4 dozen Bottles Old Port Wine;

4 dozen Bottles Sweet Malaga Wine;

10 dozen Bottles Jamaica Rum;

10 dozen Brandy and Whisky in Bottles;

3 dozen French Cordials;

2 dozen Maraschino;

5 dozen Currants;

5 dozen Blackberry Cordials;

10 dozen Superior Lemon Syrup, for sale by

Jan. 15, 1890. GRAY & TODD.

BUCKWHEAT FLOUR.

5 BAGS of Buckwheat Flour, just received and for

sale by

January 12, 1890. GRAY & TODD.

HOMMONY! HOMMONY!!

HARRELS of Splendid Hommony, just received and

for sale by

January 12, 1890. GRAY & TODD.

SUNDRIES

WE have in store and for sale—

Prunes, Raisins, Dates, &c., &c.

Relishes, in whole, half and quarter boxes.

Dates, Figs, &c.,

Almonds, English Walnuts, Filberts

Plums, Green Raisins, &c.,

